

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1, 3, 19, 21, and 30 are pending, with Claims 1 and 19 being independent.

Claims 2 and 20 have been cancelled without prejudice. Claims 1 and 19 have been amended, including the incorporation of Claims 2 and 20, respectively.

Claims 1 through 3, 19 through 21, and 30 were rejected under 35 U.S.C. § 103 over previously-cited US 2006/0136965 A1 (Ellis, et al.) in view of newly-cited US 6,983,478 B1 (Grauch, et al.). All rejections are respectfully traversed.

Claims 1 and 19 variously recite, *inter alia*, updating the user profile based on the booking information when the booking is not canceled in the recording apparatus, and not updating the user profile when the booking is canceled in the recording apparatus.

However, Applicants respectfully submit that neither Ellis, et al. nor Grauch, et al., even in the proposed combination, assuming, arguendo, that the documents could be combined, discloses or suggests at least the above-discussed claimed features as recited, *inter alia*, in Claims 1 and 19.

Applicants respectfully submit that Ellis, et al. discloses, e.g., that the “program guide client may track when users order pay-per-view programs, record programs and schedule reminders for programs, and may also provide this information to program guide server 25 as part of the viewing histories” (e.g., [0107]). However, Applicants respectfully submit that Ellis, et al. is completely silent as to at least the above-discussed claimed features as recited, *inter alia*, in Claims 1 and 19.

The Official Action agrees and relies upon Grauch, et al. Applicants respectfully traverse such reliance. Applicants respectfully submit that Grauch, et al. discloses, e.g., that the

service provider may want to determine whether viewers are recording a video in order to charge them a recording fee (e.g., col. 11, lines 48-56), which portion of Grauch, et al. is relied upon in the Official Action. But Applicants respectfully submit that the foregoing is completely *silent* as to at least the above-discussed features as recited, *inter alia*, in Claims 1 and 19, including the recitations of updating/not-updating as claimed. Thus, Applicants respectfully submit that even if Ellis, et al. and Grauch, et al. could be combined, *arguendo*, the combination would fail to disclose or suggest at least such features.

Also, Applicants respectfully submit that there has been no showing of any indication of motivation in the cited documents that would lead the artisan to attempt to arrive at such features. In particular, Applicants respectfully submit that Grauch, et al. would not have motivated the artisan to attempt to combine it with Ellis, et al. — specifically, since Grauch, et al. is not directed to using the user profile to search as claimed, the artisan would not have been motivated to attempt to combine Grauch, et al. with Ellis, et al. In contrast, Applicants submit that the present invention is able to not update the user profile when the booking is cancelled, because such an update is not suitable for the user profile which is used for a search for a desired program.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

This Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. Furthermore, Applicants respectfully submit that a full appreciation of these

amendments will not require undue time or effort given the Examiner's familiarity with this application. Moreover, this Amendment was not earlier presented because Applicants earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 C.F.R. § 1.116 is respectfully requested.

Applicants submit that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Daniel S. Glueck/
Daniel S. Glueck
Attorney for Applicants
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200
DSG/lcw